

Scott Says Capitol Leaders Oppose Nixon Prosecution

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WASHINGTON, Aug. 11 — Hugh Scott, the Senate minority floor leader, declared today that he had found growing bipartisan opposition in Congress to the possible criminal prosecution of former President Richard M. Nixon for his role in the Watergate cover-up.

Senator Scott, a Pennsylvania Republican, said that he had spoken with most of the leaders of both parties in the Senate and House of Representatives and had concluded that "most of them would wish that nothing further happens" to Mr. Nixon.

"Most of them are enormously compassionate," he added.

"In fact, I know of none who aren't. Everyone hopes that we can say enough is enough, this is the end."

Mr. Scott, whose visit to the White House on Wednesday with news of Mr. Nixon's badly diminished support in the Senate apparently played a central role in Mr. Nixon's resignation the next day, has previously expressed his belief that the loss of his office amounted to punishment enough.

He was joined today by his Republican colleague, Senator Robert P. Griffin of Michigan, the minority whip, who maintained that Mr. Nixon had

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"suffered the ultimate political penalty" for his handling of Watergate, which he termed "essentially a political offense." Mr. Griffin said he thought "that most people are satisfied with that."

But Senator Scott, who made his remarks on the C.B.S. program, "Face the Nation," and Senator Griffin, who was interviewed on the American Broadcasting Companies' "Issues and Answers," both agreed that Congress was legally powerless to prevent Leon Jaworski, the special Watergate prosecutor, from pursuing the matter of Mr. Nixon's culpability.

Cites Chances on Trial

The most that Congress could do, Mr. Scott suggested, would be to approve a resolution on the sense of the Congress, "addressed to the prosecutors," asserting that the publicity surrounding the former President's apparent role in the Watergate cover-up had jeopardized his chances for a fair trial.

"In my judgment," he continued, "Dick Nixon could not get a fair trial and especially in the District of Columbia, which has been the focus and the burning fire of all of the charges and innuendoes against the White House."

But Senator Scott said that he was "not sure even whether" Congress ought to enact such a resolution. He added that he had "agreed with some very respected elders in the Senate on the Democratic side to let it cool awhile and then get their views."

A resolution similar to the one he suggested was introduced in the Senate last week by Edward W. Brooke, Republican of Massachusetts.

But Senator Brooke has since said that he will not press for its adoption because Mr. Nixon, in resigning, had not made a "full disclosure of his involvement in Watergate or related matters."

No Mention of Tapes

In his televised address to the nation on Thursday night, Mr. Nixon said only that he "deeply" regretted any "injuries" that might have resulted from the Watergate affair.

He did not mention his release, three days before, of transcripts of recorded conversations in the Oval Office in which he approved, for political reasons, an attempt to limit the Federal investigation of the Watergate break-in.

There are two ways in which he could avoid prosecution in



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Senator Hugh Scott, minority leader, during TV interview yesterday.

grand jury that indicted seven persons, including some of his former top aides, for their alleged roles in the cover-up of responsibility for Watergate.

There were reports at the time that a majority of the jurors had wanted to indict Mr. Nixon as well, but had been dissuaded by Mr. Jaworski on the ground that the constitutionality of indicting a sitting President was unclear.

Minutes after Mr. Nixon announced his impending resignation Thursday night, Mr. Jaworski's office said in a terse statement that "no agreement or understanding of any sort" had been reached with Mr. Nixon's lawyers over his possible prosecution. No decision has reportedly yet been made on whether to proceed against him.

Nixon Is Aware

An aide to Mr. Nixon, who is secluded at his oceanside villa in San Clemente, Calif., said yesterday that the former President was aware of the possibility that legal action might be taken against him in his new capacity as a private citizen.

The aide, who asked not to be named, said that Mr. Nixon was considering a replacement for James D. St. Clair, the special White House counsel who represented him as President before Congress and the courts. Senators Mike Mansfield of Montana, the majority leader, and Robert C. Byrd of West Virginia, the majority whip, have both said they believe the matter of Mr. Nixon's culpability should be left to Mr. Jaworski and the Watergate grand jury.

But other Democrats appear to be divided on the question. Senator John V. Tunney of California, a liberal, was quoted today as suggesting that Mr. Nixon should not "be set above other Americans and given special immunity," while Senator John C. Stennis of Mississippi, a conservative, agreed with Mr. Scott that Mr. Nixon's resignation amounted to punishment enough.

Listens to Last Tapes

John J. Sirica, the United States District Judge who is expected to preside at the Watergate cover-up trial, reportedly spent the weekend listening to the last of 55 tapes of Presidential conversations turned over to him by the White House in recent weeks.

The tapes were among 64 such conversations subpoenaed by Mr. Jaworski, a demand that was opposed by the White House but was affirmed last month by the Supreme Court.

the cover-up case, a prosecution that legal authorities generally agree could be supported by the transcripts of the three conversations on June 23, 1972, six days after the Watergate break-in at the Democratic headquarters.

'Ford 'Not Involved'

President Ford could grant a full pardon to his predecessor, either before or after an indictment was brought, or Mr. Nixon's lawyers could strike a bargain with Mr. Jaworski's office that would endow the former President with immunity from prosecution.

As a practical matter, neither of these alternatives would appear politically feasible without some expression of support from Congress, and Senator Scott seemed today to suggest that he favored a negotiated immunity over a Presidential pardon.

"I would much prefer that President Ford stay out of it," he said. "He was not involved in Watergate."

J. F. terHorst, the new White House press secretary, said in response to a question on Friday that he did not "think the public would stand for" the granting of a pardon to the former President.

Mr. Nixon was named as an unindicted co-conspirator earlier this year by the Federal